

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

COMPLETE TITLE OF CASE:

DARNAY SESSION,

Appellant

v.

DIRECTOR OF REVENUE.

Respondent

DOCKET NUMBER WD76415

DATE: JANUARY 28, 2014

Appeal From:

Circuit Court of Jackson County, MO
The Honorable Kenneth R. Garrett, Judge

Appellate Judges:

Division One
Alok Ahuja, P.J., Thomas H. Newton, Anthony Rex Gabbert, J.J.

Attorneys:

James Robert Layton, Jefferson City, Counsel for Appellant

Attorneys:

Darnay Session, Kansas City, Appellant Acting Pro Se

**MISSOURI APPELLATE COURT OPINION SUMMARY
MISSOURI COURT OF APPEALS, WESTERN DISTRICT**

**DARNAY SESSION, Appellant, v.
DIRECTOR OF REVENUE, Respondent**

WD76415

Jackson County

Before Division One Judges: Alok Ahuja, P.J., Thomas H. Newton, Anthony Rex Gabbert, J.J.

Darnay L. Session, Sr., appeals the circuit court's judgment dismissing his petition contesting the final decision of the Director of Revenue which suspended his driver's license after an evidentiary hearing for failure to maintain financial responsibility on his vehicle. Session contends that the circuit court erred in finding that he failed to timely file his petition pursuant to Section 303.290.2, RSMo 2000, because: (1) the decision was against the weight of the evidence and the court failed to apply Section 302.515.2, RSMo 2000, and (2) because the Director's obligations pursuant to Section 32.030, RSMo 2000, require the Director to take additional reasonable steps to notify a driver, prior to suspending a driver's license, when certified mail is returned unclaimed.

AFFIRMED

Division One Holds:

- (1) The circuit court did not err in finding that Session failed to timely file his petition pursuant to Section 303.202.2 as the court's finding was supported by substantial evidence, was not against the weight of the evidence, and the notice requirements of Section 302.515 are inapplicable because Session's license was suspended for his alleged failure to maintain insurance coverage on his vehicle, not for an alcohol related offense.
- (2) The circuit court did not err in finding that Session failed to timely file his petition pursuant to Section 303.202.2 as the Director made efforts reasonably calculated to apprise Session of its final decision and afford him an opportunity to contest.

Opinion by Anthony Rex Gabbert, Judge

Date:

THIS SUMMARY IS UNOFFICIAL AND SHOULD NOT BE QUOTED OR CITED
--

